

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATION & ENERGY

)
Investigation by the Department on its own motion)
as to the propriety of the rates and charges set forth)
in the following tariffs: M.D.T.E Nos. 14 and 17,) D.T.E. 98-57 (Phase I)
filed with the Department on August 27, 1999, to)
become effective on September 27, 1999, by New)
England Telephone and Telegraph Company d/b/a)
Bell Atlantic - Massachusetts.)

MOTION TO AMEND PROCEDURAL SCHEDULE

Verizon Massachusetts ("Verizon MA") hereby requests that the Department amend the procedural schedule set forth in its September 14, 2000, Hearing Officer Memorandum in this proceeding. This is necessary to afford parties adequate time to conduct discovery, prepare testimony, and respond to record requests prior to briefing. Accordingly, this Motion should be granted.

ARGUMENT

As shown on Exhibit I appended hereto, Verizon MA recommends modifying dates for various activities in the Department's procedural schedule. (1) In addition, Verizon MA proposes the following changes to that schedule: (1) elimination of Verizon MA's Reply Comments; (2) commencement of discovery from the time Verizon MA's October 5th Compliance Filing is submitted; (3) inclusion of surrebuttal testimony, record request responses; and reply briefs.

First, Verizon MA can address parties' comments in its direct testimony, and, therefore, it would be redundant to require that Verizon MA file reply comments in advance of that testimony.

Second, discovery can begin immediately once Verizon MA's October 5th Compliance Filing is submitted. Moreover, as in all other Department proceedings, discovery of other parties should be permitted to establish a full and complete record. Verizon MA should also have the option of filing surrebuttal testimony. This is a fair and reasonable approach, and is consistent with Department rules and judicial practice.

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In particular, Section 1.06(f) of the Department's rules (220 C.M.R. 1:00) states, in pertinent part, that "the person being investigated or the petitioner, as the case may be, shall open and close..." Likewise, under Rule 22 (c) of the Massachusetts Rules of Appellate Procedure, the moving party has the right of last reply. Accordingly, in the interests of fairness, Verizon MA should be allowed to submit surrebuttal testimony that responds to arguments raised by the intervenors in their rebuttal testimony.

Finally, Verizon MA has incorporated due dates for filing responses to record requests and reply briefs into the proposed procedural schedule. It is essential that parties have sufficient time to respond to record requests prior to filing briefs, and that parties have an opportunity to refer to those responses, where appropriate, in their initial briefs. Parties should also have the opportunity to submit reply briefs to address directly arguments made in one another's initial briefs. Both dates can be easily incorporated into the procedural schedule, as shown in Exhibit I.

For the reasons set forth above, Verizon MA's proposed procedural schedule should be adopted by the Department.

Respectfully submitted,

VERIZON MASSACHUSETTS

By its attorneys,

Barbara Anne Sousa

Keefe Bryant Clemons

185 Franklin Street, Room 1403

Boston, Massachusetts 02110-1585

(617) 743-7331

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Dated: September 27, 2000

EXHIBIT I

D. T. E. 98-57 (PHASE I)

PROPOSED PROCEDURAL SCHEDULE

October 5, 2000 Verizon Compliance Tariff Filing

Discovery commences - 10-day response time (discovery must be issued via e-mail and hard copy and is limited to areas outlined in July 12th Hearing Officer Memorandum)

Discovery closes - one week before hearings

October 16, 2000 CLEC Comments on October 5th Filing (must be filed via e-mail and hard copy).

October 26, 2000 Verizon Pre-filed Direct Testimony must be filed via e-mail and hard copy.

November 3, 2000 CLEC Pre-filed Rebuttal Testimony must be filed via e-mail and hard copy.

November 14, 2000 Verizon Pre-filed Surrebuttal Testimony must be filed via e-mail and hard copy.

November 20-21, 2000 Evidentiary Hearings(2)

Untitled

November 30, 2000 Record Request Responses must be filed via e-mail and hard copy.

December 5, 2000 Initial Briefs

December 12, 2000 Reply Briefs

1. 1 For example, the amended schedule changes the dates for evidentiary hearings to eliminate a November 30th scheduling conflict for Verizon MA's counsel
2. 2 The scope of the evidentiary hearings is limited to those areas outlined in the July 12, 2000 Hearing Officer Memorandum and those topics that the Department noted in the Phase I Order (dated September 7, 2000) that it would continue to review in the ongoing Phase I of this docket.